

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wayne Lederer

Art Unit : 2615

Serial No. : 10/723,774

Examiner : Phylesha Larvinia Dabney

Filed : November 26, 2003

Title : NOISE ATTENUATING HEADSET

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed May 5, 2006, applicant provisionally elects Species I drawn to the embodiment of figures 1A, 1B and 2 and including at least claims 1, 12, 25-28 and 29-34.

Applicant traverses the restriction requirement and submits that all the claims should be examined in this application. Alternatively, applicant requests that at least the claims corresponding to Species I and II be examined together in this application (*i.e.*, at least claims 1, 12-20, 25-28 and 29-34).

Section 803 of the Manual of Patent Examining Procedure states as follows:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent or distinct inventions.

At least some of the claims (*e.g.*, claims 25) cover more than one of the Species identified by the Office action, and examining all the claims would not appear to place a serious burden on the Examiner.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 30, 2006

Date of Deposit

Paula T. Romeo

Signature

PAULA T. ROMEO

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Applicant : Wayne Lederer
Serial No. : 10/723,774
Filed : November 26, 2003
Page : 2 of 2

Attorney's Docket No.: 16739-002001

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/30/06

Samuel Borodach
Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

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